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2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

23 May 2000

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Main Committee II

Summary record of the 3rd meeting
Held at Headquarters, New York, on Wednesday, 3 May 2000 at 10 a.m.

Chairman: Mr. Kobieracki ..... (Poland)

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Exchange of views (*continued*)

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The meeting was called to order at 10.30 a.m.

Exchange of views (*continued*)

1. **Mr. Cisar** (Czech Republic) said that his delegation wished to become a sponsor of the working papers in documents NPT/CONF.2000/MC.II/WP.2 to WP.5, WP.7 and WP.8. It fully supported the language proposed by Norway in document NPT/CONF.2000/MC.II/WP.12. It also associated itself with the working paper in document NPT/CONF.2000/MC.II/WP.1, on the understanding that the latter did not purport to reopen the discussion of the 1995 Principles and Objectives.

2. **Mr. Friedrich** (Switzerland) said that Switzerland had often expressed concern at the failure of the Democratic People's Republic of Korea to fulfil all the commitments undertaken in its safeguards agreement with the IAEA, which was still in force. The continued refusal of that country to cooperate fully with the IAEA and to allow it to verify the correctness and completeness of the declaration made in accordance with the safeguards agreement was a violation of article III of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). It was in the interests of that country to accept all the verification measures deemed necessary by the IAEA in order to prove to the international community that its nuclear programme was peaceful. The Conference should once again urge the Democratic People's Republic of Korea to cooperate fully with the IAEA.

3. There were also doubts as to Iraq's full compliance with that NPT. He regretted that that country did not always fully respect the provisions of Security Council resolution 1284 (1999) and that the application of IAEA safeguards continued to pose difficulties.

4. The sole aim of export controls was the implementation of non-proliferation obligations under articles I and III of the Treaty, so that the international exchanges for peaceful purposes referred to in article IV could take place. Such controls were therefore not only compatible with the NPT but virtually required by it. States nevertheless had the sovereign right to decide whether or not to authorize exports. By applying such controls, Switzerland ensured that it could not, even inadvertently, contribute to nuclear proliferation.

5. In order to implement paragraph 17 of the 1995 Principles and Objectives, which stated that transparency in nuclear-related export controls should be promoted within the framework of dialogue and cooperation among all interested States parties to the Treaty, the Nuclear Suppliers Group, of which Switzerland was a member, had organized two seminars on export controls which had facilitated a frank dialogue among nuclear suppliers and receivers and had clarified some misunderstandings in that field.

6. Nine countries, including Switzerland, had participated in the informal discussions to draft the Guidelines for the Management of Plutonium, which had been published by IAEA on 16 March 1998 as document INFCIRC/549. As well as reaffirming existing obligations, commitments and norms in the area of non-proliferation, security, physical protection, and the management of plutonium holdings, the participating States had agreed to publish on a regular basis documents explaining their national strategy for plutonium management and annual statistics on national holdings of civil plutonium.

7. **Ms. Abdul-Rahim** (Syrian Arab Republic) said that she had two comments on the South African working paper (NPT/CONF.2000/MC.II/WP.1). Paragraph 2.2 referred to the signing of safeguards agreements by non-nuclear-weapon States, and she reminded the Committee that article XII of the Statute of the IAEA did not require States without nuclear activities to sign full-scope safeguards agreements. It was not reasonable to ask countries that were using isotopes for medical purposes to sign full-scope safeguards agreements, when the international community was not exerting any pressure on Israel, which had so many nuclear activities that were a definite threat to human beings and the environment. Yet Israel adamantly refused to submit its facilities to full-scope safeguards. In that paragraph she wished to see a re-affirmation of the Middle East resolution adopted by the 1995 Review and Extension Conference.

8. In document NPT/CONF.2000/MC.II/WP.11, the content of the paragraph on the Middle East was not compatible with the mandate of the Conference, which was to review a Treaty dealing with nuclear weapons, not weapons of mass destruction. Moreover, the paper should state by name the only country in the region not to have signed the NPT — Israel — and call on it to submit its nuclear facilities to international control

through the full-scope safeguards of the IAEA. Her earlier comment regarding isotopes for medical purposes was applicable also to the paragraph in question.

9. **Mr. Pygram**, (United Kingdom) referring to paragraph 10 of document NPT/CONF.2000/MC.II/WP.3, noted that the representatives of Japan and Greece had suggested on the previous day that the Conference should call on nuclear-weapon States parties as well as non-nuclear-weapon States parties to conclude and bring into force additional protocols. He agreed entirely with that suggestion. In paragraph 11, in connection with the development of State-level integrated safeguards approaches, it might be useful also to refer to specific facility types, so that there would be both State-level and facility-level integrated safeguards approaches. The Agency's initial focus of effort was on specific facility types, and in due course it would be defining a State-level approach for each State. He assumed that paragraph 12 of the same paper referred to the additional protocols signed by nuclear-weapon States parties and the additional protocol signed by Cuba. He would appreciate any clarification if that information was not accurate.

10. Turning to document NPT/CONF.2000/MC.II/WP.7, he said that the text of paragraph 4 should reflect in some way the entirety of the conclusions made by the Chairman of the IAEA Board of Governors on 20 September 1999, and not focus solely on one part of those conclusions.

11. **Mr. Markran** (South Africa) said he wished to clarify that the language used in document NPT/CONF.2000/MC.II/WP.1 in no way implied that the 1995 Principles and Objectives would be open to discussion but merely dealt with some of the issues concerned in a forward-looking manner without prejudice to the format of the final document.

12. **Mr. Awaad** (Egypt) welcomed the clarification given by the representative of South Africa that the Committee would not be reopening discussion on the 1995 Principles and Objectives. He endorsed the comments of the representative of the Syrian Arab Republic concerning the need to refer by name to the only State in the Middle East region which had not signed the NPT or submitted its nuclear facilities to the full-scope safeguards regime of the IAEA. Its position on the question of the Middle East was set out in document NPT/CONF.2000/MC.II/WP.9.

13. **Mr. Turmer** (Slovakia) said that his delegation agreed in principle with the text on safeguards submitted by the Group of Ten (NPT/CONF.2000/MC.II/WP.3).

14. Reverting to the discussion of the previous day on document NPT/CONF.2000/MC.II/WP.5, he noted that paragraph 3 concerned the application of the Model Additional Protocol in nuclear-weapon States. In the general debate, the Minister for Foreign Affairs of Slovakia had mentioned that the nuclear-weapon States should apply the Model Additional Protocol to the extent possible.

15. Finally, turning to document NPT/CONF.2000/MC.II/WP.6 on resources for safeguards, he would appreciate it if one of the authors clarified what was meant by the "equitable and stable formula" referred to in paragraph 3.

16. **Mr. Ritch** (United States of America), referring to his delegation's proposal in document NPT/CONF.2000/MC.II/CRP.4, said that its format could be useful for the work of the Committee. The paper started by affirming certain principles, then took a look back, and finally took a look forward. The principles and objectives listed in the paper were drawn from the decision of the 1995 Conference. Some delegations had begun to make amendments and adjustments to those principles and objectives, but his delegation did not consider any changes necessary.

17. The conference room paper did not contain an exhaustive list, but it included some of the most relevant elements that had seemed under-represented or not represented in other papers. One area given particular emphasis consisted of the programmes related to nuclear materials transferred from defence programmes. It was an important part of the recent progress made and definitely came under the Committee's jurisdiction. His delegation looked forward to working with others to include the points that they found important.

18. **Mr. Papadimitropoulos** (Greece), referring to document NPT/CONF.2000/MC.II/WP.7 on plutonium and highly enriched uranium management, said that his delegation fully agreed with the text and simply wished to place on record that his Government, following a programme of reduced enrichment for research and test reactors, had been operating facilities in Greece with low-enriched uranium for at least 10 years. When that issue had been discussed by the IAEA Board of

Governors, there had been a reference in the Chairman's summary to americium. States were asked to cooperate with the Agency in making information on americium available on a voluntary basis.

19. His delegation supported the working paper on physical protection and illicit trafficking (NPT/CONF.2000/MC.II/WP.8), and was prepared to consider a revision of the Convention on the Physical Protection of Nuclear Material, given the many important events that had taken place since the time of its conclusion. Physical protection and illicit trafficking were two important and related issues. Discussions were also taking place in New York in connection with a convention on nuclear terrorism, and he hoped to see that convention further enhance the role of the IAEA.

20. **Mr. Raja Adnan** (Malaysia), referring to document NPT/CONF.2000/MC.II/WP.1, endorsed the proposed language in paragraph 2.1, recognizing the IAEA as the competent authority responsible for verifying and assuring safeguards. However, he did not agree with the suggestion in paragraph 2.6 that, as a precondition to supply, State-to-State assurances would be required. Under article III, paragraph 2, of the Treaty, each State party was already required not to transfer equipment or material to any State unless such equipment or material would remain subject to IAEA safeguards.

21. **Mr. Al-Hadithi** (Iraq), commenting on the statement made by the representative of Switzerland, who had expressed concern with regard to Iraq's non-implementation of Security Council resolution 1284 (1999), said that the present Committee and Conference were not the appropriate forum for discussing Security Council resolutions. If there was a desire to discuss those issues, Iraq had a lot to say about the lack of compliance by permanent members of the Security Council with Security Council resolutions, the Charter of the United Nations and the provisions of international law in dealing with Iraq.

22. He failed to understand why the representative of Switzerland had stated that the IAEA safeguards regime was facing difficulties in Iraq. In fact, during the first month of the present year, the IAEA had performed a successful verification process, in cooperation with the Iraqi agency concerned, which had been confirmed by the IAEA on 24 March of the present year. The IAEA had not referred to any difficulties in applying the safeguards regime in Iraq.

23. **Mr. Chang Dong-hee** (Republic of Korea) drew attention to paragraph 9 of document NPT/CONF.2000/MC.III/WP.3, which contained a reference to additional protocols that had been approved by the IAEA Board of Governors in the case of 43 States. The number of States should be verified, as a different number was indicated in the Agency's own report on the matter. The same paragraph stated that the Conference urged all non-nuclear-weapon States parties to conclude additional protocols as soon as possible, and to bring them into force or provisionally apply them as soon as their respective national legislation allowed. Paragraph 10 contained virtually the same wording. For the sake of avoiding redundancy, some rewriting would be in order.

24. Document NPT/CONF.2000/MC.II/WP.12, for its part, referred to funding for safeguard activities and physical protection. As those topics were currently being discussed under the auspices of IAEA in Vienna, it was inappropriate for the Review Conference to take them up.

25. **Mr. Casterton** (Canada) introduced document NPT/CONF.2000/MC.II/WP.4 on export controls, which had been submitted by 10 countries (Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden). The text was largely based on an information circular, document INFCIRC/482, which had been distributed at the 1995 Conference. Paragraphs 1, 2 and 3 stated that national controls on exports of nuclear-related items were crucial, as they enabled States to ensure that, pursuant to articles I, II and III of the NPT, their exports did not contribute to proliferation; they also facilitated international cooperation under article IV. Paragraph 4 acknowledged that the coordination of national export control policies could contribute to the objectives of the NPT and facilitate nuclear cooperation for peaceful purposes, again in accordance with article IV. Paragraphs 5 and 6 referred to the Zangger Committee, which had been recognized at previous NPT Conferences for its work in coordinating the implementation of the provisions of the Treaty relating to exports to non-nuclear-weapon States that were not parties. All States were urged to adopt the understandings of that Committee. Paragraph 7 recommended that States parties should consider further measures for preventing the diversion of nuclear technology to weapons-related purposes. Paragraph 8 noted that some States parties also

participated in other mechanisms for the coordination of national export policies. Paragraph 9 recognized the need to ensure that such coordination activities did not hamper the development of peaceful applications of nuclear energy by States parties, in accordance with articles I, II, III and IV of the NPT. Paragraph 10 recognized that certain equipment, technology and materials, while not explicitly referred to in the NPT, were relevant to the issue of nuclear proliferation and hence to the Treaty as a whole. Lastly, paragraph 11 recognized the continuing relevance of paragraph 17 of the 1995 Principles and Objectives, relating to the promotion of transparency in nuclear-related export controls within a framework of dialogue and cooperation among States parties.

26. By design, the working paper did not address the requirement for full-scope safeguards and a legally binding commitment not to acquire nuclear weapons as a condition of supply, as set forth in paragraph 12 of the 1995 Principles and Objectives. Reaffirmation of, and support for, that paragraph were of such crucial importance that they should be expressly included in the Conference's review. Indeed, consideration should be given to requiring the signing of the Additional Protocol as a further condition of supply, the better to ensure that nuclear-related items exported to non-nuclear-weapon States were not diverted from peaceful uses.

27. **Ms. Pellicer** (Mexico) said that her delegation fully acknowledged the importance of export controls as a means of ensuring that nuclear technology was used only for peaceful purposes. It had some reservations, however, about the wording of paragraph 6 of the working paper just introduced. While the aim of strengthening export controls was admirable in itself, the terms in which that paragraph referred to the Zangger Committee were not altogether appropriate. Certainly that Committee did excellent work, but it was not a part of the United Nations family of organizations, and it was not open to participation by all States. Instead of urging all States to adopt the understandings of the Zangger Committee, then, it might be preferable for the Conference simply to take note of them. Paragraph 8 of document NPT/CONF.2000/MC.II/WP.10 was open to the same objection and should be reworded accordingly.

28. **Mr. Stanzel** (Germany) said that his delegation also had a problem with the reference to the Zangger Committee in paragraph 6 of document NPT/CONF.2000/MC.II/WP.4. While it was true that that Committee had been established for the purpose of negotiation and dialogue with States that were not parties to the NPT, in the light of events since 1998, that was an element that was likely to lead to misunderstanding and should not be emphasized. Consequently, the words "not parties to the Treaty" should be deleted from the first sentence of paragraph 6.

29. **Mr. Markran** (South Africa) drew attention to paragraph 2.6 of the working paper submitted by South Africa (NPT/CONF.2000/MC.II/WP.1), which dealt with the application of comprehensive IAEA safeguards as a condition of supply. The language there used dovetailed neatly with that selected by the Non-Aligned Movement in document NPT/CONF.2000/18, paragraph 11, and might also serve to clarify the wording of paragraph 12 of the 1995 Principles and Objectives by requiring comprehensive safeguards, State-to-State assurances and control over retransfers.

30. **Mr. Raja Adnan** (Malaysia), referring to document NPT/CONF.2000/MC.II/WP.4, said that the wording of paragraph 2 left it unclear whether nuclear or non-nuclear exports were meant. Regarding paragraph 6, it was important to remember that the Zangger Committee had been formed in connection with nuclear cooperation with non-nuclear-weapon States that were not parties to the NPT. As to the recommendation on the list of items subject to IAEA safeguards, considering the spirit and letter of the NPT, amendments to that list should be restricted to single-use items only. Concerning the reference in paragraph 8 to the participation of some States parties in other mechanisms for the coordination of national export policies, it was important to note that such participation was strictly voluntary. Paragraph 10, as worded, might entail some misinterpretation as to what was and what was not relevant; the only reliable guide was the language of the Treaty itself.

31. **Mr. Coelho** (Portugal), speaking on behalf of the European Union, introduced document NPT/CONF.2000/MC.II/WP.10 on nuclear-weapon-free zones, safeguards and export controls. The Union supported the development of nuclear-weapon-free zones, on the basis of arrangements freely arrived at among the States concerned, and nuclear-weapon States were encouraged to sign the relevant protocols of such zones to acknowledge that Treaty-based nuclear assurances were available to them. Non-

nuclear-weapon States that had not yet concluded safeguards agreements with the IAEA were called upon to do so, while nuclear-weapon States were called upon to place all fissile materials no longer required for defence purposes under appropriate international safeguards and physical protection. In the area of export controls, the efforts of the Nuclear Suppliers Group and the Zangger Committee were noted with appreciation, and all States were urged to take measures such that suppliers could be confident that nuclear-related items and technology would be used only for peaceful purposes.

32. **Mr. Kerma** (Algeria) suggested that paragraph 6 of document NPT/CONF.2000/MC.II/WP.4 should be reworded to reflect the peculiar status of the Zangger Committee, which was not a part of the Conference.

33. **Mr. Fu Zhigang** (China) described the issue of export controls as a complex and important one: important because of its implications for non-proliferation, and complex because of its subtle relationship with the peaceful use of atomic energy. To address it adequately, therefore, care was required. The wording "not to transfer nuclear-related items to non-nuclear-weapon States, taking into account, *inter alia*, arrangements mutually agreed upon between the States Parties concerned" in paragraph 2 of document NPT/CONF.2000/MC.II/WP.4 required clarification, as it was not immediately apparent what sort of arrangements those might be.

34. **Mr. Rosenthal** (United States of America) said that the issue of new supply arrangements, which was the subject of paragraph 12 of the 1995 Principles and Objectives, was addressed in a proposal submitted by his delegation (NPT/CONF.2000/MC.II/CRP.4). Various suggestions for possible amendments to that paragraph had been put forward at the meeting; the introduction to the document in question contained appropriate wording which would reflect participants' concerns in the matter.

35. **Mr. Papadimitropoulos** (Greece) said that, in paragraph 9 of document NPT/CONF.2000/MC.II/WP.4 he would prefer to use the word "encourage" in place of "do not hamper" for a more positive approach. He agreed with the comment of the representative of Germany regarding paragraph 6 of the working paper.

36. **Ms. Hallum** (New Zealand) introduced the working paper entitled "Physical protection, illicit trafficking" (NPT/CONF.2000/MC.II/WP.8) on behalf of 10 countries (Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden). Physical protection and prevention of illicit trafficking were closely related, and were required for the implementation of article III of the Treaty, in order to prevent diversion of nuclear material from peaceful uses to weapons. The purpose of the working paper was to record the substantive developments which had taken place in the past five years and identify aspirations for the next five years and to provide common ground on which to base national statements. The paper sought to reinforce the Convention on the Physical Protection of Nuclear Material and IAEA regulations in that area. The language on illicit trafficking was for the most part based on current resolutions of the IAEA General Conference, which should be acceptable to all States parties.

37. **Mr. Pinel** (France), referring to paragraph 1 of the working paper just introduced, asked what was meant by "other international instruments", as IAEA recommendations on the matter were not legally binding, and he was unaware of any other international instruments that were relevant. He suggested that, in the first line of paragraph 2, "grave" should be deleted before "concern".

38. **Mr. Pygram** (United Kingdom) said that his delegation preferred the language proposed in paragraphs 2 and 3 of the working paper submitted by Norway (NPT/CONF.2000/MC.II/WP.12), because physical protection standards should be equivalent in all States.

39. **Mr. Fu Zhigang** (China) endorsed the comments of the representative of France regarding paragraph 2 of document NPT/CONF.2000/MC.II/WP.8.

40. **Mr. Ostrowski** (Poland) said that his delegation aligned itself with the working paper just introduced by the representative of New Zealand, as it provided solutions for several trafficking and safeguards problems. It agreed that there should be a legally binding international instrument on physical protection. Poland had received technical assistance from an international mission, which would no doubt be an acceptable solution for many countries.

41. **Mr. Al-Hadithi** (Iraq), referring to document NPT/CONF.2000/MC.II/CRP.4 submitted by the United States, said that the paper made reference to the Security Council in section B, paragraph 4, and section

C, paragraph 26. Those two paragraphs had nothing to do with IAEA safeguards but were of a political nature. The Security Council had been under United States influence since the end of the cold war. It was well known that the United States had used the Security Council resolutions as a pretext to spy on Iraq and extend the sanctions, which had led to the death of 1.5 million people and had caused more victims than any weapon of mass destruction. The United States was currently attempting to influence the Conference to adopt its own aggressive political stance and to undermine the relationship between Iraq and IAEA. Iraqi authorities had extended cooperation and had accepted a recent inspection under IAEA safeguards, and his delegation would have expected some reference in the United States paper welcoming the resumption of activities with IAEA. His delegation firmly rejected the paragraphs he had mentioned, and it called on the Conference to be vigilant against the references in question.

42. **Mr. Othman** (Syrian Arab Republic) said that the Conference was reviewing the implementation of the NPT, not of Security Council resolutions. His delegation was surprised that in the United States paper, Iraq had been invited to cooperate fully with IAEA, yet Israel had not been invited to accede to the Treaty. The States not parties to the Treaty should have been named, as they posed a threat to regional peace and security. Israel had many nuclear reactors which had exceeded their lifespan and posed an environmental threat to the Middle East. It was essential that those reactors should be placed under IAEA safeguards.

43. **Ms. Tsirbas** (Australia) said that her delegation wished to reinforce the comments of Canada and other delegations on paragraph 12 of the 1995 Principles and Objectives. A major outcome of the 1995 Conference had been the clear endorsement of full-scope safeguards as a precondition of new supply of nuclear materials to non-nuclear-weapon States. It was crucial to the NPT regime that the Additional Protocol should also become a mandatory part of IAEA safeguards required by article III of the Treaty.

44. In the view of her delegation, paragraph 2.6 of document NPT/CONF.2000/MC.II/WP.1 was unhelpful, as some of its language might alter paragraph 12 of the 1995 Principles and Objectives.

The meeting rose at 12.20 p.m.